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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,919	04/20/2004	Michael J. Adang	UGR-100XD1	6165

23557 7590 11/28/2006

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EXAMINER

LIU, SUE XU

ART UNIT PAPER NUMBER

1639

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/828,919

EXAMINER

Sue Liy

ART UNIT

PAPER

1639

20061116

DATE MAILED:

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Commissioner for Patents

Notice of Non-Responsive Amendment

1. Applicant's election of Group V in the reply entered on 9/12/2006 is acknowledged.
2. The reply entered on 9/12/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants elected Group V, which is drawn to Claim 17 only as set forth in the Restriction Requirement mailed on 8/11/06. However, applicants canceled Claim 17 in the amendment to the claims filed on 9/12/06. Applicants seem to elect Claims 1-3, 5-6 and 9-16 as one group of invention. However, the said claims 1-3, 5-6, and 9-16 were grouped as separate inventions as set forth in the previous Restriction Requirement such that Claims 9-14 are in Group III, Claims 15 and 16 are in Group IV. The currently amended Claims 1-3 and 5-6 are in one Group, which corresponds to the original Group V. Applicants are requested to elect a single invention to be examined.

In addition, Applicants have not fully satisfied the Species Election as set forth in the previous Restriction Requirement. Applicants election of SEQ ID NOs 9 and 10 is acknowledged.


However, Applicants have not elected the following species:

- A.) A single specific phage vector protein. Applicants are requested to specify the name of the phage vector protein and the corresponding SEQ ID No.
- B.) A single specific species of a target to screen for a binding toxin. (Required if Applicant elect Group IV (Claims 15-16))

Applicants are advised that the reply to the Restriction Requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143 and MPEP 818.03(b)). An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz can be reached at 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/17/06
MY-CHAU T. TRAN
PATENT EXAMINER

Sue Liu
AU 1639